

(1) INAPPLICABILITY OF TITLE TO CERTAIN ALIENS.—This section shall not apply to an employer with respect to the employment of aliens outside any State.

(2) COMPLIANCE WITH STATUTE AS VIOLATION OF FOREIGN LAW.—It shall not be unlawful under this section for an employer (or a corporation controlled by an employer), labor organization, employment agency, or joint labor-management committee controlling apprenticeship or other training or retraining (including on-the-job training programs) to take any action otherwise prohibited by such section, with respect to an employee in a workplace in a foreign country if compliance with such section would cause such employer (or such corporation), such organization, such agency, or such committee to violate the law of the foreign country in which such workplace is located.

(3) CONTROL OF CORPORATION INCORPORATED IN FOREIGN COUNTRY.—

(A) IN GENERAL.—If an employer controls a corporation whose place of incorporation is a foreign country, any practice prohibited by this section engaged in by such corporation shall be presumed to be engaged in by such employer.

(B) FOREIGN PERSON NOT CONTROLLED BY EMPLOYER.—This section shall not apply with respect to the foreign operations of an employer that is a foreign person not controlled by an American employer.

(C) CONTROL.—For purposes of this subsection, the determination of whether an employer controls a corporation shall be based on—

- (i) the interrelation of operations;
- (ii) the common management;
- (iii) the centralized control of labor relations; and
- (iv) the common ownership or financial control,

of the employer and the corporation.

(4) CLAIMS OF NO MILITARY SERVICE.—Nothing in this section shall provide the basis for a claim by an individual without military service that the individual was subject to discrimination because of the individual's lack of military service.

(q) POSTING NOTICES.—Every employer, employment agency, labor organization, or joint labor-management committee covered under this section shall post notices to applicants, employees, and members describing the applicable provisions of this section, in the manner prescribed by section 711 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-10).

(r) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Commission shall issue regulations to carry out this section in accordance with subchapter II of chapter 5 of title 5, United States Code.

(s) ENFORCEMENT.—The powers, remedies, and procedures set forth in sections 705, 706, 707, 708, 709, 710, and 712 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-4, 2000e-5, 2000e-6, 2000e-7, 2000e-8, 2000e-9, and 2000e-11) shall be the powers, remedies, and procedures this section provides to the Equal Employment Opportunity Commission, to the Attorney General, or to any person alleging discrimination on the basis of military service in violation of any provision of this section, or regulations promulgated under subsection (r), concerning employment.

(t) APPLICATION.—Nothing in sections 2 through 14 shall be construed to apply to this section.

**SA 2022.** Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 815, to prohibit employment discrimination on the basis of sexual orientation or gender identity; which was ordered to lie on the table; as follows:

In section 8, add at the end the following:

(c) GUIDANCE ON GENDER TRANSITION.—Not later than the effective date of this Act, the Commission shall issue guidance with respect to this Act and gender transition, including defining the term “transition” (including other forms of the word).

(d) GUIDANCE ON SHARED FACILITIES.—Not later than the effective date of this Act, the Commission shall issue guidance with respect to this Act on shared facilities. When issuing such guidance, the Commission shall take into account any undue hardship on employers in meeting the nondiscrimination requirements of this Act.

**SA 2023.** Ms. HIRONO (for Mr. SANDERS) proposed an amendment to the bill S. 287, to amend title 38, United States Code, to improve assistance to homeless veterans, and for other purposes; as follows:

On page 11, strike line 25 and insert the following: lessness pursuant to such partnerships.

“(f) SUNSET.—The authority of the Secretary to enter into partnerships under this section as described in subsection (a) shall expire on December 31, 2016.”.

On page 13, strike lines 3 through 18 and insert the following:

**SEC. 10. EXTENSION OF AUTHORITY FOR PROGRAM OF REFERRAL AND COUNSELING SERVICES FOR VETERANS AT RISK OF HOMELESSNESS WHO ARE TRANSITIONING FROM CERTAIN INSTITUTIONS.**

Section 2023 of title 38, United States Code, is amended—

- (1) by striking subsection (b);
- (2) in subsection (c)(1), by striking “To the extent practicable, the program” and inserting “The program”;
- (3) in subsection (d), by striking “September 30, 2014” and inserting “September 30, 2017”;
- (4) in subsection (e)(2), by striking “provided under the demonstration program”; and
- (5) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

On page 14, strike lines 2 through 14 and insert the following:

(a) TREATMENT AND REHABILITATION FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS.—Section 2031(b) of title 38, United States Code, is amended by striking “December 31,

Beginning on page 14, strike line 24 and all that follows through page 15, line 7, and insert the following:

(f) TRAINING ENTITIES FOR PROVISION OF SUPPORTIVE SERVICES FOR VERY LOW-INCOME VETERAN FAMILIES IN PERMANENT HOUSING.—Section 2044(e)(3) of such title is amended by striking “2012” and inserting “2014”.

On page 15, strike lines 8 through 12.  
On page 16, line 7, strike “March 31, 2018” and insert “August 31, 2017”.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. KAINE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on November 6, 2013, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, “America COMPETES: Science and the U.S. Economy.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FINANCE

Mr. KAINE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on November 6, 2013, at 10 a.m. in room SD-215 of the Dirksen Senate Office Building, to conduct a hearing entitled “Health Insurance Exchanges: An Update from the Administration.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Mr. KAINE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 6, 2013, at 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. KAINE. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on November 6, 2013, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON THE JUDICIARY

Mr. KAINE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on November 6, 2013, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Oversight of the Bureau of Prisons & Cost-Effective Strategies for Reducing Recidivism.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON THE JUDICIARY

Mr. KAINE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on November 6, 2013, at 2:30 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Judicial Nominations.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON VETERANS' AFFAIRS

Mr. KAINE. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate, on November 6, 2013, at 10 a.m. in room SR-418, of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON EMERGENCY MANAGEMENT, INTERGOVERNMENTAL RELATIONS, AND THE DISTRICT OF COLUMBIA

Mr. KAINE. Mr. President, I ask unanimous consent that the Subcommittee on Emergency Management, Intergovernmental Relations, and the District of Columbia of the Committee on Homeland Security and Governmental Affairs be authorized to

meet during the session of the Senate, on November 6, 2013, at 2:30 p.m., to conduct a hearing entitled "One Year Later: Examining the Ongoing Recovery from Hurricane Sandy."

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SPECIAL COMMITTEE ON AGING

Mr. KAINE. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate, on November 6, 2013, to conduct a hearing entitled "Transportation: A Challenge to Independence for Seniors."

The Committee will meet in room 562 of the Dirksen Senate Office Building beginning at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I rise to ask unanimous consent that my intern, Chloe Becker, who is shadowing me today, be accorded full privileges of the floor for the balance of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Lauren Sarkesian and Jennifer Lucas of my staff be granted floor privileges for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HOMELESS VETERANS EXPANSION ACT

Ms. HIRONO. Mr. President, I ask unanimous consent the Senate proceed to the consideration of Calendar No. 197, S. 287.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 287) to amend title 38, United States Code, to expand the definition of a homeless veteran for purposes of benefits under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Veterans' Affairs, with an amendment and an amendment to the title, as follows:

S. 287

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Helping Homeless Veterans Act of 2013".

#### SEC. 2. EXPANSION OF DEFINITION OF HOMELESS VETERAN FOR PURPOSES OF BENEFITS UNDER THE LAWS ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS.

Section 2002(1) of title 38, United States Code, is amended by striking "in section 103(a) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302(a))" and inserting "in subsection (a) or (b) of section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302)".

#### SEC. 3. IMPROVEMENTS TO GRANT PROGRAM FOR COMPREHENSIVE SERVICE PROGRAMS FOR HOMELESS VETERANS.

(a) MODIFICATION OF AUTHORITY TO PROVIDE CAPITAL IMPROVEMENT GRANTS FOR PROGRAMS

THAT ASSIST HOMELESS VETERANS.—Subsection (a) of section 2011 of title 38, United States Code, is amended, in the matter before paragraph (1)—

(1) by striking "or modifying" and inserting "modifying, or maintaining"; and

(2) by inserting "privately, safely, and securely," before "the following".

(b) REQUIREMENT THAT RECIPIENTS OF GRANTS MEET PHYSICAL PRIVACY, SAFETY, AND SECURITY NEEDS OF HOMELESS VETERANS.—Subsection (f) of such section is amended by adding at the end the following new paragraph:

"(6) To meet the physical privacy, safety, and security needs of homeless veterans receiving services through the project."

#### SEC. 4. INCREASED PER DIEM PAYMENTS FOR TRANSITIONAL HOUSING ASSISTANCE THAT BECOMES PERMANENT HOUSING FOR HOMELESS VETERANS.

Section 2012(a)(2) of title 38, United States Code, is amended—

(1) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively;

(2) in subparagraph (C), as redesignated, by striking "in subparagraph (D)" and inserting "in subparagraph (E)";

(3) in subparagraph (D), as redesignated, by striking "under subparagraph (B)" and inserting "under subparagraph (C)";

(4) in subparagraph (E), as redesignated, by striking "in subparagraphs (B) and (C)" and inserting "in subparagraphs (C) and (D)"; and

(5) in subparagraph (A)—

(A) by striking "The rate" and inserting "Except as otherwise provided in subparagraph (B), the rate"; and

(B) by striking "under subparagraph (B)" and all that follows through the end and inserting the following: "under subparagraph (C)."

"(B)(i) Except as provided in clause (ii), in no case may the rate determined under this paragraph exceed the rate authorized for State homes for domiciliary care under subsection (a)(1)(A) of section 1741 of this title, as the Secretary may increase from time to time under subsection (c) of that section.

"(ii) In the case of services furnished to a homeless veteran who is placed in housing that will become permanent housing for the veteran upon termination of the furnishing of such services to such veteran, the maximum rate of per diem authorized under this section is 150 percent of the rate described in clause (i)."

#### SEC. 5. AUTHORIZATION OF PER DIEM PAYMENTS FOR FURNISHING CARE TO DEPENDENTS OF CERTAIN HOMELESS VETERANS.

Subsection (a) of section 2012 of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(4) Services for which a recipient of a grant under section 2011 of this title (or an entity described in paragraph (1)) may receive per diem payments under this subsection may include furnishing care for a dependent of a homeless veteran who is under the care of such homeless veteran while such homeless veteran receives services from the grant recipient (or entity)."

#### SEC. 6. REQUIREMENT FOR DEPARTMENT OF VETERANS AFFAIRS TO ASSESS COMPREHENSIVE SERVICE PROGRAMS FOR HOMELESS VETERANS.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall assess and measure the capacity of programs for which entities receive grants under section 2011 of title 38, United States Code, or per diem payments under section 2012 or 2061 of such title.

(b) ASSESSMENT AT NATIONAL AND LOCAL LEVELS.—In assessing and measuring under subsection (a), the Secretary shall develop and use tools to examine the capacity of programs described in such subsection at both the national and local level in order to assess the following:

(1) Whether sufficient capacity exists to meet the needs of homeless veterans in each geographic area.

(2) Whether existing capacity meets the needs of the subpopulations of homeless veterans located in each geographic area.

(3) The amount of capacity that recipients of grants under sections 2011 and 2061 and per diem payments under section 2012 of such title have to provide services for which the recipients are eligible to receive per diem under section 2012(a)(2)(B)(ii) of title 38, United States Code, as added by section 4(5)(B).

(c) USE OF INFORMATION.—The Secretary shall use the information collected under this section as follows:

(1) To set specific goals to ensure that programs described in subsection (a) are effectively serving the needs of homeless veterans.

(2) To assess whether programs described in subsection (a) are meeting goals set under paragraph (1).

(3) To inform funding allocations for programs described in subsection (a).

(4) To improve the referral of homeless veterans to programs described in subsection (a).

(d) REPORT.—Not later than 180 days after the date on which the assessment required by subsection (b) is completed, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on such assessment and such recommendations for legislative and administrative action as the Secretary may have to improve the programs and per diem payments described in subsection (a).

#### SEC. 7. EXPANSION OF DEPARTMENT OF VETERANS AFFAIRS AUTHORITY TO PROVIDE DENTAL CARE TO HOMELESS VETERANS.

(a) IN GENERAL.—Section 2062(b) of title 38, United States Code, is amended to read as follows:

"(b) ELIGIBLE VETERANS.—(1) Subsection (a) applies to a veteran who—

"(A) is enrolled for care under section 1705(a) of this title; and

"(B) for a period of 60 consecutive days, is receiving—

"(i) assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)); or

"(ii) care (directly or by contract) in any of the following settings:

"(I) A domiciliary under section 1710 of this title.

"(II) A therapeutic residence under section 2032 of this title.

"(III) Community residential care coordinated by the Secretary under section 1730 of this title.

"(IV) A setting for which the Secretary provides funds for a grant and per diem provider.

"(V) A setting—

"(aa) in which the veteran is receiving transitional housing assistance;

"(bb) for which funding is not provided for transitional housing assistance under the laws administered by the Secretary;

"(cc) for which the Secretary receives verification from the provider of care that the veteran is receiving care for a period of 60 consecutive days; and

"(dd) from which the Secretary determines that the veteran cannot reasonably access comparable dental services at no cost and in a reasonable period of time.

"(2) For purposes of paragraph (1), in determining whether a veteran has received assistance or care for a period of 60 consecutive days, the Secretary may disregard breaks in the continuity of assistance or care for which the veteran is not responsible."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is one year after the date of the enactment of this Act.